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10	Attorneys for Plaintiff ECHOSPAN, INC.	Attorneys for Defendant
12		MEDAĽLIA, INC.
13		
14	UNITED STATES	DISTRICT COURT
15	NORTHERN DISTR	ICT OF CALIFORNIA
16		
17	ECHOSPAN, INC.,	Case No. 5:22-cv-01732-NC
18	Plaintiff/Counter-Defendant,	[PROPOSED] JOINT OMNIBUS SEALING ORDER
19	V.	Judge: Hon. Nathanael Cousins
20	MEDALLIA, INC.,	
21	Defendant/Counter-Plaintiff.	
22		
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24		
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Before the Court, pursuant to this Court's August 23, 2023 Order, Dkt. 269, are Plaintiff/Counter-Defendant EchoSpan, Inc. ("EchoSpan") and Defendant/Counter-Plaintiff Medallia, Inc.'s ("Medallia") Joint Omnibus Proposed Sealing Order.

I. UNOPPOSED SEALING REQUESTS

The Parties seek to maintain the following documents under seal; neither party objects to the sealing of the follow documents. Having considered the papers on file, and good cause having been found, the Court hereby **ORDERS** that the following documents or portions of documents remain under seal.

Documents to Ro	Docket Number	Moving Party	
Exhibit B to EchoSpan, Inc.'s Motion for Partial Summary Judgment	Pages:15-13-16, 35:21-36:13, 39:15-20, 195	218-5	EchoSpan, Inc.
Exhibit C to EchoSpan, Inc.'s Mot	ion for Partial Summary Judgment	218-6	EchoSpan, Inc.
Exhibit FF to EchoSpan, Inc.'s Mo	tion for Partial Summary Judgment	218-11	EchoSpan, Inc.
Ex. C to Medallia, Inc.'s Motion to for Summary Judgment	Page: 123:15; 124:14; 213:25; 223:19; 123:9-17; 213:1-14;	219-1	EchoSpan, Inc.
Ex. F to Medallia, Inc.'s Motion to for Summary Judgment	Page: 32:5-11	219-2	EchoSpan, Inc.
Ex. G to Medallia, Inc.'s Motion to for Summary Judgment	Page: 137:13; 141:8, 12; 141:11-16	219-3	EchoSpan, Inc.
Ex. NN to Medallia, Inc.'s Motion	to for Summary Judgment	219-11	EchoSpan, Inc.
Ex. OO to Medallia, Inc.'s Motion	to for Summary Judgment	219-12	EchoSpan, Inc.
Exhibit C to Motion to Exclude	Only table on page 4; all tables and any dollar amounts on pages 7, 8, 12, 14, 19, 23, 24, 25, and 26; paragraph 65 and footnote 58 on page 17; page 18; paragraph 76(b) on page 20; footnote 94 on page 28; and all schedules (but not appendices) to the report	224-2	Jointly

Exhibit H to Motion to Exclude Pages: 223:22-25, 308:8-25 224-3 EchoSpan, Inc.				
Exhibit K to Motion to Exclude Capacitan	1	Documents to Remain Under Seal	Docket Number	Moving Party
Exhibit Q to Motion to Exclude – only "Medallia" half of all screenshots in Exhibits C-1, C-2, and D to report 24-6			224-3	EchoSpan, Inc.
Exhibit 10 to EchoSpan's Response to Medallia's Motion for Summary Judgment	4	Exhibit K to Motion to Exclude	224-4	EchoSpan, Inc.
EchoSpan, Inc's Response in Opposition to Medallia, Inc.'s Motion for Summary Judgment Yellow Highlighted Portions of Exhibit 1 to EchoSpan's Response to Medallia's Motion for Summary Judgment on pages 128 and 300 Yellow Highlighted Portions of Exhibit 8 to EchoSpan's Response to Medallia's Motion for Summary Judgment on Page 144 Exhibit 9 to Medallia's Motion for Summary Judgment Exhibit 10 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 12 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 13 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 14 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 15 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 16 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 17 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 18 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 19 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 19 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 19 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 19 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Meda			224-6	EchoSpan, Inc.
Medallia's Motion for Summary Judgment on pages 128 and 300 Saminary Judgment on pages 128 and 300 Yellow Highlighted Portions of Exhibit 8 to EchoSpan's Response to Medallia's Motion for Summary Judgment on Page 144 Exhibit 9 to Medallia's Motion for Summary Judgment 235-8 EchoSpan, Inc.	8	EchoSpan, Inc's Response in Opposition to Medallia, Inc.'s	235-3	EchoSpan, Inc.
Medallia's Motion for Summary Judgment Linc.		Yellow Highlighted Portions of Exhibit 1 to EchoSpan's Response to Medallia's Motion for Summary Judgment on pages 128 and 300	235-5	EchoSpan, Inc.
Exhibit 10 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 12 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 12 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 13 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 14 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 15 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Exhibits C-1, C-2, and D to report Medallia, Inc.'s Reply in Support of its Motion for Summary Judgment Ex. 2 to Medallia, Inc.'s Reply in Support of its Motion to Exclude Exh Motion for Summary Judgment Exh Motion for Summary Judgment Exh Medallia, Inc.'s Reply in Support of its Motion to Exclude Ex. 2 to Medallia, Inc.'s Reply in Support of its Motion to Exclude Exh Motion for Summary Judgment Exh Motion for Summary			235-7	EchoSpan, Inc.
Summary Judgment Exhibit 12 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 13 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 14 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 15 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 15 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment Only "Medallia" half of all screenshots in Exhibits C-1, C-2, and D to report Exhibit School for Summary Judgment The second customer's name on page 8, line 8. 255-1 EchoSpan, Inc. Exhibits Motion for Summary Judgment Exhibits C-1, C-2, and D to report Exhibits C-1, C-2, and D to report Exhibits Motion for Summary Judgment Exhib		Exhibit 9 to Medallia's Motion for Summary Judgment	235-8	EchoSpan, Inc.
Exhibit 12 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 13 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 14 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 15 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 15 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Exhibits C-1, C-2, and D to report Medallia, Inc.'s Reply in Support of its Motion for Summary Judgment Exhibit 25 to Medallia, Inc.'s Reply in Support of its Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Inc. Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Inc. Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Inc. Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Inc. Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Inc.			235-9	EchoSpan, Inc.
Summary Judgment Exhibit 14 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 15 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Exhibits C-1, C-2, and D to report Medallia, Inc.'s Reply in Support of its Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Exhibits C-1, C-2, and D to report Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Exhibits C-1, C-2, and D to report Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Inc. Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia's Motion for Summary Judgment — only "Medallia's Motion for Summary Judgment — only "Medallia's Motion for Summary Judgment — Exhibits C-1, C-2, and D to report — EchoSpan, Inc. Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia's Motion for Summary Judgment — EchoSpan, Inc. Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia's Motion for Summary Judgment — only "Medallia's Motion for Summary Judgment — EchoSpan, Inc. Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia's Motion for Summary Judgment — only "Medallia's Motion for Summary Judgment — Summary			235-11	EchoSpan, Inc.
Exhibit 14 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 15 to EchoSpan's Response to Medallia's Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Exhibits C-1, C-2, and D to report Medallia, Inc.'s Reply in Support of its Motion for Summary Judgment Medallia, Inc.'s Reply in Support of its Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in EchoSpan, Inc.			235-12	EchoSpan, Inc.
Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment — only "Medallia" half of all screenshots in Exhibits C-1, C-2, and D to report Medallia, Inc.'s Reply in Support of its Motion for Summary Judgment Ex. 2 to Medallia, Inc.'s Reply in Support of its Motion to Exclude Ex. 2 to Medallia, Inc.'s Reply in Support of its Motion to Exclude Summary Judgment Inc. 235-15 EchoSpan, Inc. Inc. EchoSpan, Inc. EchoSpan, Inc.		Exhibit 14 to EchoSpan's Response to Medallia's Motion for Summary Judgment	235-13	EchoSpan, Inc.
Exhibit 25 to EchoSpan's Response to Medallia's Motion for Summary Judgment – only "Medallia" half of all screenshots in Exhibits C-1, C-2, and D to report Medallia, Inc.'s Reply in Support of its Motion for Summary Judgment Exhibit 25 to EchoSpan's Response to Medallia's Motion for all screenshots in EchoSpan, Inc. The second customer's name on page 8, line 8. Exhibits C-1, C-2, and D to report The second customer's name on page 8, line 8. Exhibits C-1, C-2, and D to report EchoSpan, Inc. EchoSpan, Inc. EchoSpan, Inc. EchoSpan, Inc.			235-14	EchoSpan, Inc.
Medallia, Inc.'s Reply in Support of its Motion to Exclude Medallia, Inc.'s Reply in Support of its Motion to Exclude 25 EchoSpan, Inc. EchoSpan, Inc. EchoSpan, Inc.	22	Summary Judgment – only "Medallia" half of all screenshots in	235-15	EchoSpan, Inc.
Ex. 2 to Medallia, Inc.'s Reply in Support of its Motion to Exclude 255-4-2 EchoSpan,	24	Reply in Support of its Motion for Summary	255-1	EchoSpan, Inc.
 		Ex. 2 to Medallia, Inc.'s Reply in Support of its Motion to Exclude	255-4-2	EchoSpan, Inc.

1	Documents to Remain Under Seal	Docket	Moving
		Number	Party
2 3	Yellow and blue highlighted portions of Defendant's Notice of Motion and Motion for Summary Judgment and 22:1-7	217-3	Medallia,, Inc.
4	Yellow highlighted portions of Ex. A to Defendant's Motion for Summary Judgment	217-4	Medallia, Inc.
5	Ex. B to Defendant's Motion for Summary Judgment	217-5	Medallia, Inc.
7	Ex. I. to Defendant's Motion for Summary Judgment	217-6	Medallia, Inc.
8 9	Ex. J to Defendant's Motion for Summary Judgment	217-7	Medallia,, Inc.
10	Yellow highlighted portions of Ex. K to Defendant's Motion for Summary Judgment	217-8	Medallia,, Inc.
11 12	Yellow highlighted portions of Ex. L to Defendant's Motion for Summary Judgment	217-9	Medallia,, Inc.
13	Yellow highlighted portions of Ex. M to Defendant's Motion for Summary Judgment	217-10	Medallia,, Inc.
14 15	Yellow highlighted portions of Ex. N to Defendant's Motion for Summary Judgment	217-11	Medallia,, Inc.
16	Ex. U to Defendant's Motion for Summary Judgment	217-12	Medallia,, Inc.
17 18	Yellow and blue highlighted portions of Defendant's Notice of Motion and Motion to Exclude Testimony of Plaintiff's Experts	223-3	Medallia,, Inc.
19	Yellow highlighted portions of Ex. A to Defendant's Motion to Exclude Testimony of Plaintiff's Experts	223-4	Medallia,, Inc.
20 21	Yellow highlighted portions of Ex. B to Defendant's Motion to Exclude Testimony of Plaintiff's Experts	223-5	Medallia,, Inc.
22	Ex. D to Defendant's Motion to Exclude Testimony of Plaintiff's Experts	223-6	Medallia,, Inc.
23 24	Yellow highlighted portions of Ex. E to Defendant's Motion to Exclude Testimony of Plaintiff's Experts	223-7	Medallia,, Inc.
25 26	Ex. F to Defendant's Motion to Exclude Testimony of Plaintiff's Experts	223-8	Medallia,, Inc.
27	Yellow highlighted portions of Ex. G to Defendant's Motion to Exclude Testimony of Plaintiff's Experts	223-9	Medallia,, Inc.

1	Documents to Remain Under Seal	Docket Number	Moving Party
2	Yellow highlighted portions of Ex. I to Defendant's Motion to Exclude Testimony of Plaintiff's Experts	223-10	Medallia,, Inc.
3 4	Ex. L to Defendant's Motion to Exclude Testimony of Plaintiff's Experts	223-11 and 223-	Medallia,, Inc.
5		12	
6	Yellow highlighted portions of Ex. M to Defendant's Motion to Exclude Testimony of Plaintiff's Experts	223-13	Medallia,, Inc.
7 8	Ex. P to Defendant's Motion to Exclude Testimony of Plaintiff's Experts	223-14	Medallia,, Inc.
9	Yellow highlighted portions of Ex. R to Defendant's Motion to Exclude Testimony of Plaintiff's Experts	223-15	Medallia,, Inc.
10	Blue highlighted text on page 7 of EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-1	Medallia,, Inc.
12	Highlighted text in Ex. I to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-3	Medallia,, Inc.
13 14	Highlighted text on pages 17, 92, and 93 of Ex. K to EchoSpan's	220-4	Medallia,,
15	Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment		Inc.
16 17	Ex. L to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-5	Medallia,, Inc.
18	Ex. M to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-6	Medallia,, Inc.
19	Ex. N to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-7	Medallia,, Inc.
20 21	Ex. T to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-12	Medallia,, Inc.
22	Ex. DD to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-19	Medallia,, Inc.
23 24	Ex. EE to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-20	Medallia,, Inc.
25	Ex. FF to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	218-11	Jointly
2627	Ex. GG to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-21	Medallia,, Inc.

1	Documents to Remain Under Seal	Docket Number	Moving Party
2 3	Ex. HH to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-22	Medallia,, Inc.
4 5 6	Pages MEDALLIA276689–MEDALLIA276693, MEDALLIA276695, MEDALLIA276697, and MEDALLIA276708 of Ex. JJ to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment and the second to last message on page MEDALLIA276687 of Ex. JJ.	220-23	Medallia,, Inc.
7	Ex. PP to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-29	Medallia,, Inc.
8 9	Ex. QQ to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-30	Medallia,, Inc.
10	Page MEDALLIA27748 to Ex. RR to EchoSpan's Memorandum of Points and Authorities ISO Plaintiff's Motion for Partial Summary Judgment	220-31	Medallia,, Inc.
12	Yellow and blue highlighted portions of Defendant's Response in Opposition to Plaintiff's Motion for Partial Summary Judgment	239-3	Medallia,, Inc.
13 14	Yellow highlighted portions of Ex. L to Defendant's Response in Opposition to Plaintiff's Motion for Partial Summary Judgment	239-4	Medallia,, Inc.
15 16	Blue highlighted portions of Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment <i>only</i> on page 4, lines 21-22 on page 7, and the dollar figure on line 13 of page 16.	236-1	Medallia,, Inc.
17 18 19 20	Blue highlighted portions of Appendix A to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment <i>only</i> on pages 6, 7, 8, 30, and 33 (excluding the phrase "acquiring EchoSpan"); in the left column of pages 18, 19, 21, 22, 23, 24, and 25; in the second from the top box in the right column on page 23; and in the top right box on page 27.	236-2	Medallia,, Inc.
21	Exhibit 3 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-4	Medallia,, Inc.
22 23	Exhibit 6 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-6	Medallia,, Inc.
24	Exhibit 17 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-8	Medallia,, Inc.
2526	Exhibit 18 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-9	Medallia,, Inc.
27	Exhibit 19 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-10	Medallia,, Inc.
28			

1	Documents to Remain Under Seal	Docket Number	Moving Party
2 3	Exhibit 20 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-11	Medallia,, Inc.
4	Exhibit 21 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-12	Medallia,, Inc.
5 6	Exhibit 22 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-13	Medallia,, Inc.
7	Exhibit 23 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-14	Medallia,, Inc.
8 9	Exhibit 26 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-15	Medallia,, Inc.
10	Exhibit 31 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-18	Medallia,, Inc.
11 12	Exhibit 32 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-19	Medallia,, Inc.
13	Exhibit 33 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-20	Medallia,, Inc.
14 15	Exhibit 35 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-22	Medallia,, Inc.
16	Exhibit 37 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-24	Medallia,, Inc.
17 18	Exhibit 42 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-26	Medallia,, Inc.
19	Exhibit 45 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-29	Medallia,, Inc.
20 21	Exhibit 47 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-31	Medallia,, Inc.
22	Exhibit 48 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-32	Medallia,, Inc.
23 24	Blue highlighted text on only the last page of Exhibit 4 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment	236-5	Medallia,, Inc.
25 26	Exhibit 39 to Plaintiff EchoSpan, Inc's Response In Opposition To Defendant Medallia Inc's Motion For Summary Judgment only at page 194, line 22	236-25	Medallia,, Inc.
27 28	Dollar figure on line 7 of page 1 of Plaintiff EchoSpan, Inc's	236-33	Medallia,,

Documents to Remain Under Seal	Docket Number	Moving Party
Opposition To Motion To Exclude Testimony Of Plaintiffs Experts		Inc.
Yellow and blue highlighted portions of Defendant's Reply in Support of its Motion for Summary Judgment	254-3	Medallia,, Inc.
Yellow highlighted portions of Ex. O to Defendant's Reply in Support of its Motion for Summary Judgment	254-4	Medallia,, Inc.
Yellow and blue highlighted portions of Defendant's Reply in Support of its Motion to Exclude Testimony of Plaintiff's Experts	254-5	Medallia,, Inc.

II. OPPOSED SEALING REQUESTS

The Parties seek to maintain the following documents or portions of documents under seal; as noted, the sealing of the following is contested. Having considered the papers on file, the Court hereby **ORDERS** as follows with respect to each contested document or portion of document.

Document at Iss	Sue Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
Yellow Highlighte Portions of Memorandum of I in Support of EchoSpan, Inc.'s Motion for Partial Summary Judgmen	Law	EchoSpan, Inc.	Contains description of EchoSpan's confidential tool functionality	Medallia, Inc.	EchoSpan has previously confirmed that this information is <i>not</i> confidential. <i>See</i> Dep. of J. Vance as Corp. Rep. for EchoSpan [Dkt. 219-1] at 108:24—109:11.	
Exhibit A to EchoSpan, Inc.'s Motion for Partial Summary Judgmen	218-4 nt	EchoSpan, Inc.	Contains extensive descriptions and screenshots of EchoSpan's and Medallia's tools the Court has	Medallia, Inc.	Medallia opposes EchoSpan's request to seal the entirety of Exhibit A. In particular, nothing on the pages	

1	Document at Issue	Dock et	Moving Party	Moving Party's	Opposin g Party	Opposition	Order
2		No.	ı ai iy	Support	granty		
3				previously determined		preceding the	
4				this document		screenshots can even	
5				was properly		arguably be	
				sealed (Dkt. 215)		considered to be	
6						confidential and	
7						EchoSpan offers no	
8						valid	
9						justification for sealing	
10						those pages. EchoSpan's	
11						statement that the	
12						court previously	
13						determined that sealing	
14						the entire	
						document is appropriate	
15						is misleading,	
16						as the Court denied a	
17						challenge to confidentiali	
18						ty after	
19						Medallia withdrew	
20						the challenge	
21						due to the particular	
22						issue before the Court	
23						being moot	
						while reserving	
24						the right to re-raise the	
25						issue. Also, the features	
26						and functions	
27						described in	
28						certain portions of	
				9			_

1	Document at	Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
2			110.		Support			
3							the report is all public information.	
4	Yellow	Pages:	218-5	EchoSpan,	Describes		Medallia	
5	Highlighted	81:25-	210-3	Inc.	confidential		opposes the	
6	Portions of Exhibit B to	82:15, 184,			aspects of EchoSpan's		request to seal lines	
7	EchoSpan,	260,			tool security		81:25-82:15	
	Inc.'s Motion for Partial	293, 298:23			and functionality		as such information	
8	Summary	2,0126			and client		is presented	
9	Judgment				identity		to numerous users <i>before</i>	
10							agreeing to	
							any Terms and	
11							Conditions,	
12							and such information	
13							cannot in	
							good faith be argued to	
14							be	
15							confidential. Medallia	
16							also opposes	
10							the request to seal the	
17							entirety of	
18							page 184, as this is	
19							general	
19							information about	
20							Veracode	
21							that is not confidential	
22							and not	
22							specific to EchoSpan at	
23							all. Medallia	
24							opposes the request to	
25							seal page	
							260, as the information	
26							is publicly	
27							available on EchoSpan's	
28							website.	
۷٥					10		See, e.g.,	

1	Docume	ent at Issue	et	Moving Party	Moving Party's	Opposin g Party	Opposition	Order
2			No.		Support			
3							https://www .echospan.c	
4							om/reseller-	
							program.asp	
5							https://www	
6							.echospan.c om/product-	
7							guides/three	
							-excellent- features-for-	
8							consultants;	
9							https://www .echospan.c	
10							om/blog/ech	
10							ospan's-	
11							dedicated- resources-	
12							for-	
							consultants. Medallia	
13							opposes the	
14							request to seal the	
1.5							yellow	
15							highlighted information	
16							on page	
17							293, as the	
							information is publicly	
18							available on	
19							EchoSpan's website.	
20							See, e.g.,	
20							https://www .echospan.c	
21							om/user-	
22							guides/gene	
							rating- reports-and-	
23							data-	
24							exports; https://www	
25							.echospan.c	
23							om/article- detail.asp?ar	
26							ticleid=19;	
27							https://www	
							.echospan.c om/~public_	
28							docs/Engag	
					11			

1 2	Do	cument a	t Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
3								ement_Surv	
4								ey_Setup_G uide_2020.p	
								df. Medallia also opposes	
5								the sealing of the	
6								customer	
7								name on page 298, as	
8								the information	
9								is publicly	
								available. See, e.g.,	
10								https://caree rs.bankofam	
11								erica.com/c	
12								ontent/dam/ careers/edpn	
13								/APAC_ED PN CDPN	
14								China.pdf;	
								https://www .echospan.c	
15								om/product- guides/lorri	
16								na-eastman.	
17								In fact, EchoSpan's	
18								public filings <i>in</i>	
19								this case	
								reveal the identity of	
20								this company.	
21								See Dkts.	
22								11, 24, 43.	
23		bit D to Span, Inc	's	218-7	EchoSpan, Inc.	Reflects terms of	Medallia, Inc.	This document is	
24	Mot	on for Par	tial		1110.	confidential	1110.	not	
	Sum	mary Judg	ment			employment agreement		confidential. It is merely	
25								an employment	
26								agreement.	
27								By its own terms, it is	
28								not confidential	
				I	I	12	1	7-111441111111	

1	Document at Issue	Dock et	Moving Party	Moving Party's	Opposin g Party	Opposition	Order
2		No.		Support			
3						because the definition of	
4						confidential information	
5						in the agreement	
6						does not include the	
7						agreement. Medallia	
8						has no objection to	
9						a narrowly tailored	
10						sealing request as to	
11						salary information,	
12						but it	
13						opposes EchoSpan's	
14						request to wholesale	
15						seal a document	
16						for which there is no	
						basis to assert	
17						confidentiali ty.	
18	Exhibit E to	218-8	EchoSpan,	Reflects	Medallia,	Same as	
19	EchoSpan, Inc.'s Motion for Partial		Inc.	terms of confidential	Inc.	above for Exhibit D.	
20	Summary Judgment			contractor agreement			
21	Exhibit R to	218-9	EchoSpan,	Contains	Medallia,	This is not	
22	EchoSpan, Inc.'s Motion for Partial	210)	Inc.	screenshot of non-public	Inc.	confidential. It is an	
23	Summary Judgment			EchoSpan		account sign	
24				webpage reflecting		up page that users fill out	
25				security processes		before agreeing to	
26						any Terms and	
27						Conditions. If users see	
28						it <i>before</i> agreeing (or	
28				13		it <i>before</i> agreeing (or	

1	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
2		110.		бирроге		not	
3						agreeing) to	
4 5						any purported confidentiali	
						ty agreement,	
6						it cannot even	
7						arguably be confidential.	
8	Exhibit X to	218-	EchoSpan,	Reflects	Medallia,	This exhibit	
9	EchoSpan, Inc.'s Motion for Partial	10	Inc.	confidential internal	Inc.	is not confidential.	
10	Summary Judgment			identification and system		It is a purported	
11				configuration settings		log of when Medallia	
12				settings		employees allegedly	
13						accessed EchoSpan's	
14						free trial. As this	
15						information	
16						would be known by	
17						the users themselves,	
18						EchoSpan has no basis	
19						to assert its confidentiali	
20						ty.	
21	Exhibit II to EchoSpan, Inc.'s	218- 12	EchoSpan, Inc.	Reflects screenshots	Medallia, Inc.	These are screenshots	
22	Motion for Partial Summary Judgment			of EchoSpan's		of, or identical	
23				confidential system		information as in,	
24						EchoSpan's publicly	
25						<i>available</i> video	
26						tutorials. See, e.g.,	
27						https://www .echospan.c	
28						om/product- guides/revie	
	L	1	1	14		guides/ievie	

1 2	Documer	nt at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
3							w-and-edit- email- templates;	
5							https://www .echospan.c	
6							om/product- guides/setup -rater-	
7							relationship- groups.	
8	Memoran dum in	Pages: 1:3, 4, 21,	217-3	EchoSpan, Inc.	Contains or reveals the	Medallia, Inc.	This is all publicly	
9 10	Support of	22; 2:10, 16-17;			identity of EchoSpan's		available information,	
10	Medallia, Inc.'s Motion	3:15, 17, 18, 4:4, 9- 10, 12;			customers or former customer		as Medallia has repeatedly	
12	for Summary	10, 12, 13:15, 22- 28; 14:1;			Customer		shown.	
13	Judgment	21:16, 19; 26:6, 10;					As to the information	
14		35:3, 5-6, 9-11, 13,					on pages 21-23, none of its	
15		15, 16; 5:21, 24					reveals the terms of any	
16 17							agreements except for	
18							the quoted language at 22:1-7. So,	
19		14:18, 20, 21, 22,			Contains the identification		the remainder	
20		24-25; 17:13-24;			of and descriptions		cannot be considered	
21		18:8-9; 22:26-			of EchoSpan's		confidential.	
22		23:1; 26:10-12;			trade secrets			
23 24								
25								
26								
27								
28								

1 2	Documer	nt at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
3		21:16-22, 25-26; 22:17-20;			Reveals the terms of EchoSpan			
5		23:4-9, 11-20			customer agreements			
6								
7 8	Ex. C to Medallia, Inc.'s	Pages: 39:15-20; 94:4-9,	219-1	EchoSpan, Inc.	Contains or reveals the identity of		As Medallia has previously	
9	Motion to for	16, 24; 122:10;			EchoSpan's customers or		shown, the identity of	
10	Summary Judgment	165:16; 170:3-4, 16; 175:1;			former customer (see also		the former customer is publicly	
11		200:17; 212:1-5,			Dkt. 191)		available information.	
12 13		14-15; 236:2; 245:2;					As Medallia	
14		258:11, 17, 20;					has shown, the identificatio	
15		259:9, 18;					n of various features or	
16							functions is publicly available	
17							information or conceded	
18 19								
20								
21								
22								
23								
24								
25								
26 27								
28								

1 2	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
3	43:5-24; 50:8-			Describes confidential and trade		by EchoSpan's	
4	51:25; 54:7- 55:21;			secret elements of		corporate representati ve.	
5	129:1-9; 261:2-9;			EchoSpan's 360 System		EchoSpan even goes	
6 7 7	261:25- 262-5;					so far as to request	
8	266:2-4, 14-18; 269:2-14;					sealing of deposition testimony	
9	270:1-25; 272:14-					where its corporate	
10	16; 273:2- 275:25;					representati ve expressly states that	
11						something is not	
12						confidential. See, e.g.,	
13 14						Page 55 of the Exhibit.	
15	122:21- 25;			Reveals confidential		There is also no	
16	258:11- 22;			client operations		basis to find that the	
17						company providing	
18	129:1-9; 194:20- 197:15;			Describes confidential elements of		server hosting services or	
19	197.13,			EchoSpan's 360 server		the location of	
20				hosting		EchoSpan's servers is	
21 22	174:20-			Quotes from		confidential. Indeed,	
23	175:2			a confidential information		EchoSpan makes	
24				memorandu m		information about its hosting	
25						providers (identificati	
26							
27							
28							

1 2	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
	309:1-6			Describes		on of	
3				confidential		company	
4				employment terms		and location of servers)	
5						publicly	
						available. See, e.g.,	
6						https://www	
7						<u>.echospan.c</u> <u>om/articles/i</u>	
						mportant-	
8						notice:-	
9						datacenter- migration-	
10						scheduled-	
						for-june- 30th	
11						("EchoSpan	
12						's network hosting	
13						provider,	
13						Rackspace, recently	
14						opened its	
15						newest data center	
						facility in	
16						the Dallas	
17						area. With this change,	
18						Rackspace	
						is closing its existing data	
19						center in	
20						Dallas where	
21						EchoSpan's	
21						network currently	
22						resides. As a	
23						result,	
						EchoSpan's servers are	
24						being	
25						migrated from its	
26						existing	
						datacenter to the new	
27						one."); and	
28						https://www .echospan.c	
		1		18	ı		

1	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
2		110.		Support		/	
3						om/network. asp ("All	
4						EchoSpan servers are	
5						hosted with Microsoft	
6						Azure in Dublin,	
7						Ireland with a disaster	
8						recovery facility at	
9						Rackspace in Dallas,	
10						Texas. ").	
11						While	
12						certain portions of	
13						the Confidential	
						Information Memorandu	
14						m may warrant	
15						sealing, the quoted	
16						language here does	
17						not. It is not even	
18						confidential.	
19						There is	
20						nothing confidential	
21						about the referenced	
22						employment terms and no	
23						agreements requires any	
24						employee to keep such	
25						information confidential.	
26							
27							
28							
		D 0 D 0 0 F		19			

	Documer	nt at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Orde
=	Ex. F to Medallia, Inc.'s	Pages: 32:24, 158:3, 7,	219-2		Contains or reveals the identity of	Medallia, Inc.	As discussed above, this information	
	Motion to for	10, 16, 25; 169:3,			EchoSpan's customers or		is all publicly	
	Summary Judgment	20, 24; 188:17;			former customer		available or conceded by	
							EchoSpan's corporate representativ	
							e to not be confidential.	
		144:23-			Describes			
		144:23- 145:2, 5, 14-17, 19-			confidential and trade			
		20, 24-25; 146:13-			secret elements of			
		14, 21-22; 147:5-7,			EchoSpan's 360 System			
		15-21, 24- 25; 148:3- 5, 14-15,						
		19-21; 188:5, 7-						
		11; 189:6- 7, 20-21;						
		190:1, 3-4						
-	Ex. G to	Page:	219-3	EchoSpan,	Contains or	Medallia,	Same as	
	Medallia, Inc.'s Motion to	90:11; 127:7-24; 136:7, 25;		Inc.	reveals the identity of EchoSpan's	Inc.	discussed	

1 2	Docume	ent at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
3	for Summary	141:19; 142:12,			customers or former		above as to Exhibit C.	
4	Judgment	23,			customer;			
5		143:10, 14;						
6		37:22-24;			Reflects			
7		41:18-25; 42:18-23;			terms of confidential			
8		45:8-12; 46:4-11;			employment agreement			
9								
10		90:10-11;			Describes confidential			
12					elements of EchoSpan's 360 server			
13					hosting			
14		107:13-			Describes			
15		18; 108:20- 23; 136:1-			confidential and trade secret			
16		137:16; 141:20;			elements of EchoSpan's			
17		142:10-21			360 System			
18								
19								
20	Ex. W to I		219-5	EchoSpan, Inc.	Reflects confidential	Medallia, Inc.	Much of this	
21	numbered	Judgment, paragraphs			business information,		information is public or	
22 23	1-8 and at the comm	tachments to			including financial		does not rise to the level	
24					information and a		of warranting	
25					confidential business		sealing, such as the	
26					memorandu m		number of employees	
27							EchoSpan has, the	
28							identificatio n of EchoSpan's	
-					21		EchoSpan's	

1 2	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
3						hosting service	
4						providers, and the	
5						identificatio n of a	
6						customer. Medallia	
7						would agree to narrowly	
8						tailored redactions	
9						of the financial	
.0						information in the	
1						document, but the	
2						wholesale sealing of	
13						this document	
l4						would be improper.	
15	Ex. Z to Medallia,	219-6	EchoSpan,	Reflects	Medallia,	Nothing in	
16	Inc.'s Motion to for Summary Judgment		Inc.	EchoSpan's confidential	Inc.	this document	
17				server and security environment		meets the standard of	
8				environment		"compelling reasons" to	
9						warrant sealing. Furthermore	
20						, this document	
21						was provided to	
22						Medallia under an	
23						April 2021 NDA with a	
24						now expired two-year	
25						confidentiali ty period.	
26	Ex. AA to Medallia,	219-7	EchoSpan,	Reflects	Medallia,	Nothing in	
27	Inc.'s Motion to for Summary Judgment		Inc.	confidential business	Inc.	this document	
28	Zammar j vaagment			communicati 22		meets the	

Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
			on regarding customer		standard of "compelling reasons" to warrant sealing.	
Ex. BB to Medallia, Inc.'s Motion to for Summary Judgment	219-8	EchoSpan, Inc.	Confidential communicati on with client	Medallia, Inc.	This communicat ion does not fall within the confidentiali ty provision of EchoSpan's agreement with this former client.	
Ex. H to Medallia, Inc.'s Motion to for Summary Judgment	219-4	EchoSpan, Inc.	Confidential communicati on with client	Medallia, Inc.	This communicat ion does not fall within the confidentiali ty provision of EchoSpan's agreement with this former client.	
Green Highlighted Portions of Ex. KK to Medallia, Inc.'s Motion to for Summary Judgment	219-9	EchoSpan, Inc.	The court has previously held that these portions of the Complaint are properly sealed, Dkt. 214	Medallia, Inc.	As Medallia has repeatedly and extensively shown, EchoSpan has made all of this information publicly available.	
Ex. LL to Medallia, Inc.'s Motion to for Summary Judgment	219- 10	EchoSpan, Inc.	Confidential communicati on with client, which includes	Medallia, Inc.	This communicat ion does not fall within the	

1	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
2		110.				C 1 1	
3				confidential access credentials		confidentiali ty provision of	
4				Cicuciniais		EchoSpan's	
5						agreement with this	
6						former client.	
7						Furthermore , it provides	
8						a publicly available	
9						link. Medallia	
10						has no	
11						objection to narrowly	
						tailored redaction of	
12						only the access	
13						credentials. But there is	
14						no basis to seal the	
15						remainder	
16						of the document.	
17	Medallia's, Inc.'s	224-1	EchoSpan,	Contains or	Medallia,	As Medallia	
18	Motion to Exclude Testimony of		Inc.	reveals the identity of	Inc.	has repeatedly	
19	Plaintiff's Experts			EchoSpan's customers or		shown, the identity of	
20				former customer		EchoSpan's former	
21				customer		customer is	
22						publicly available.	
	Exhibit C to Motion to	224-2	EchoSpan,	This	Medallia,	Medallia	
23	Exclude (Except portions unopposed		Inc.	damages expert report	Inc.	has expressly	
24	noted above)			contains financial		excepted from its	
25				information		objection	
26				about EchoSpan		the portions of the report	
27						containing financial	
28						information. There is no	
		1	ı	24	1	1	

1	Documer	nt at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
2			NU.		Support		1 1 1	
3							basis to seal the <i>entire</i>	
4							document and	
5							EchoSpan provides no	
6							basis, thus failing on <i>its</i>	
7							burden.	
8	Exhibit H to Motion	Pages: 221:20-	224-3	EchoSpan, Inc.	Discussing confidential	Medallia, Inc.	No specific prices are	
9	to Exclude	223:21			client pricing		mentioned. The general	
10							statements about	
11							pricing do not warrant	
12							sealing.	
13	Exhibit O to Motion	Pages: 147:5-9,	224-5	EchoSpan, Inc.	Confidential client	Medallia, Inc.	Nothing in this portion	
14	to Exclude	147:12, 25			communicati on;		of the deposition is	
15					confidential information		confidential. The portion	
16					taken from damages		of the damages	
17					report		report referred to	
18							is not confidential	
19							information. None of the	
20							referenced testimony	
21							contains any communicat	
22							ion with a client. The	
23							mere identificatio	
24							n of certain features that	
25							EchoSpan	
26							publicly advertises	
27							on its website is	
28							not confidential.	
20					25			

1	Document at Issue	Dock et	Moving Party	Moving Party's	Opposin g Party	Opposition	Order
2		No.	Tarty	Support	granty		
3	Exhibit Q to Motion to Exclude (except	224-6	EchoSpan, Inc.	Report describes,	Medallia, Inc.	Medallia opposes	
4	portions unopposed noted above)			throughout and in detail,		EchoSpan's request to	
5	noted above)			functioning of EchoSpan		seal the entirety of	
6				and Medallia		this exhibit.	
7				systems, including		In particular,	
				screenshots of each; the		nothing on the pages	
8				court has previously		preceding the	
9				granted		screenshots can even	
10				EchoSpan's motion to		arguably be	
11				retain the confidentialit		considered to be	
12				y of this		confidential	
13				document, Dkt. 215		and EchoSpan	
						offers no valid	
14						justification	
15						for sealing those pages.	
16						EchoSpan's statement	
17						that the	
						court previously	
18						determined that sealing	
19						the entire	
20						document is appropriate	
21						is misleading,	
22						as the Court denied a	
23						challenge to	
						confidentiali ty after	
24						Medallia withdrew	
25						the	
26						challenge due to the	
27						particular issue before	
28						the Court	
20				26	<u> </u>	being moot	

1 2	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
3						while reserving the right to	
4						re-raise the issue. Also,	
5						the features and functions	
7						described in certain	
8						portions of the report is	
9						all public information.	
10	Yellow highlighted portions of EchoSpan,	235-3	EchoSpan, Inc.	Reflects identity of	Medallia, Inc.	The customer's	
11 12	Inc's Response in Opposition to			confidential client and		identity, however, is	
13	Medallia, Inc.'s Motion for Summary Judgment (except			income derived therefrom;		not confidential. As	
14	pages 3:25-4:1)			describes EchoSpan		previously noted, the	
15				Trade Secrets; reveals		LinkedIn profile of an	
16				confidential pricing		employee of that	
17 18				information		customer states that	
19						EchoSpan was a vendor of	
20						the customer	
21						and provided it a	
22						360- feedback	
23						survey tool. Other	
24 25						websites also identify	
26						EchoSpan's customer. <i>E.g.</i> ,	
27						https://www	
28				27		.datanyze.co m/companie	

1 2	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
3						s/echospan/ 346845369.	
4						In fact, EchoSpan's own <i>public</i>	
5						filings in	
6 7						this case identify the	
8						customer. Dkts. 11,	
9						24, 43. Therefore, none of the	
10						mentions of the	
11						name of the	
12						customer should be	
13						sealed.	
14						As Medallia extensively	
15						showed in its	
16						opposition to	
17						EchoSpan's motion to	
18						seal, each of the items alleged to	
19						be trade secrets is	
20						public information	
21						on YouTube and	
22						EchoSpan's own	
23						website. See Dkt. 245.	
24						The pricing	
25						information is not	
26						confidential. The asking	
27 28						price was demanded	
20				28	<u> </u>	by	

1	Document at Issue	Dock et	Moving Party	Moving Party's	Opposin g Party	Opposition	Order
2		No.		Support		-	
3						EchoSpan before the	
4						parties agreed to any NDA.	
5						This is information	
6						that	
7						EchoSpan voluntarily	
8						disclosed to Medallia	
9						without any confidentiali	
10						ty agreement	
11						in place. In any event,	
12						the NDA has expired	
13						by its own terms.	
14	Yellow Highlighted	235-5	EchoSpan,	Reflects	Medallia,	As	
15	Portions of Exhibit 1 to EchoSpan's		Inc.	identity of confidential	Inc.	discussed above with	
16	Response to Medallia's Motion for			client and income		respect to the same	
17	Summary Judgment (except on pages 128			derived therefrom;		deposition, none of this	
18	and 300)			describes EchoSpan		information is	
19				Trade Secrets;		confidential.	
20				reveals confidential			
21				pricing information			
22	Exhibit 2 to	235-6	EchoSpan,	Reflects	Medallia,	Exhibit 2 to	
23	EchoSpan's Response to Medallia's Motion	255 0	Inc.	EchoSpan's Trade Secrets	Inc.	the summary	
24	for Summary Judgment			Trade Secrets		judgment response is	
25	Judgment					EchoSpan's amended	
26						trade secret	
27						disclosure. Almost	
28						everything (if not	
20				29		everything)	

1	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
2		1,00		~ жүрөтү		in it is	
3						public available	
4						information. In any	
5						event, there is no basis	
6						for EchoSpan to	
7						whole seal the entire	
8						document rather than	
9						make redactions.	
10						For example,	
11						EchoSpan cannot	
12						seriously maintain	
13 14						that the legal	
15						arguments contained in	
16						the disclosure	
17						are confidential.	
18	Yellow Highlighted	235-7	EchoSpan,	Reflects	Medallia,	As	
19	Portions of Exhibit 8 to EchoSpan's		Inc.	identity of confidential	Inc.	discussed above, the	
20	Response to Medallia's Motion for			client		client is not confidential.	
21	Summary Judgment (except on page 144)						
22	Yellow Highlighted Portions of Exhibit 11	235-	EchoSpan,	Describes	Medallia,	The client	
23	to EchoSpan's	10	Inc.	confidential client	Inc.	relationship is not	
24	Response to Medallia's Motion for			relationship and confidential		confidential, as Medallia has	
25	Summary Judgment			business		repeatedly shown.	
26				practices		The	
27						purported "business	
28						practice" described	
		I	1	30	1	described	

1 2	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
3						does not warrant sealing.	
5						In any	
$\begin{bmatrix} 3 \\ 6 \end{bmatrix}$						event, there is highlighted	
7						information that is not	
8						the business practice or	
9						the client identity.	
10	Exhibit 25 to EchoSpan's Response	235- 15	EchoSpan, Inc.	Contains extensive	Medallia, Inc.	There is no basis to seal	
11	to Medallia's Motion for Summary			descriptions of and		the entirety of that 120-	
12 13	Judgment (except portions unopposed			screenshots of		page exhibit. By	
14	noted above)			EchoSpan's confidential and trade		way of example only, it is	
15				secret information		unclear how EchoSpan	
16						can maintain	
17						that paragraphs 119–122,	
18						which say nothing	
19 20						about EchoSpan's	
21						software tool and are general	
22						statements, should be	
23						sealed. Furthermore	
24						, the screenshots of	
25						EchoSpan's tool are	
26						publicly available or	
27 28						have publicly	

1	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
2		110.		Биррог с		available	
3						analogs.	
4	Yellow Highlighted Portions of Exhibit 34	235- 16	EchoSpan, Inc.	Discusses	Medallia, Inc.	The mere identificatio	
5	to EchoSpan's	10	inc.	EchoSpan trade secrets	inc.	n of a	
6	Response to Medallia's Motion for					feature is not	
7	Summary Judgment					confidential.	
8	Yellow Highlighted Portions of Exhibit 39	235- 18	EchoSpan, Inc.	Reveals confidential	Medallia, Inc.	The pricing information	
9	to EchoSpan's Response to			company pricing		is not confidential.	
10	Medallia's Motion for Summary Judgment			information		The asking price was demanded	
11						by EchoSpan	
12						before the parties	
13						agreed to	
14						any NDA. This is	
15						information that	
16						EchoSpan voluntarily	
17						disclosed to Medallia	
18						without any confidentiali	
19						ty agreement	
20						in place. In any event,	
21						the NDA has expired	
22						by its own terms.	
23	Exhibit 40 to	235-	EchoSpan,	Contains	Medallia,	Medallia	
24	EchoSpan's Response to Medallia's Motion	19	Inc.	extensive financial	Inc.	has expressly	
25	for Summary			information		excepted from its	
26	Judgment (except unopposed portions			of EchoSpan and Medallia		objection	
27	noted above)					the portions of the report	
28						containing financial	
20				32		information.	

1	Document at Issue	Dock et No.	Moving Party	Moving Party's	Opposin g Party	Opposition	Order
2		NO.		Support		-	
3						There is no basis to seal	
4						the <i>entire</i> document	
5						and EchoSpan	
6						provides no basis, thus	
7						failing on <i>its</i> burden.	
8	Yellow highlighted	235-	EchoSpan,	Confidential	Medallia,	The identity	
9	Portions of EchoSpan's Response	20	Inc.	client communicati	Inc.	of the client is not	
10	to Medallia's Motion to Exclude			ons		confidential, as Medallia	
11						has repeatedly	
12						shown. Also, there	
13						are some highlighted	
14						portions of this filing	
15						that have nothing to	
16						do with the customer,	
17						for which EchoSpan	
18						provides no basis for	
19						sealing.	
20	Medallia, Pages: 12:3-4, 6-	236-1	EchoSpan, Inc.	Contains or reveals the	Medallia, Inc.	The identity of the client	
21	Response 12, 16-17, to 19; 13:18-			identity of EchoSpan's		is not confidential,	
22	EchoSpan 19, 23, Inc's			customers or former		as Medallia has	
23	Partial Motion			customers; contrary to		repeatedly shown.	
24	for Summary			Medallia's assertions,			
25	Judgment			Dkt. 229, EchoSpan			
26				does not reveal the			
27				names of its customers			
28				(the webpage Medallia			
		•		33	-		

1	Document at Issu	ne Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
2		110.					
3				points to as evidence that			
4				EchoSpan reveals is			
5				customer			
				names is a webpage of a			
6				consultant, which lists			
7				<i>her</i> , not			
8				EchoSpan's, customers);			
9				moreover, as described in			
10				Dkt. 191,			
				EchoSpan's obligations to			
11				protect its former			
12				client's			
13				identity also stems both			
14				from its contract with			
				the customer			
15				and the nature of the			
16				dispute			
17	Exhibit G to Medal	lia. 236-7	EchoSpan,	Reflects	Medallia,	This does	
18	Inc's Response to EchoSpan, Inc's		Inc.	EchoSpan's confidential	Inc.	not contain any	
19	Partial Motion for			server and		confidential information.	
	Summary Judgment	ı		security environment		It contains a	
20						purported log of when	
21						Medallia employees	
22						allegedly	
23						accessed EchoSpan's	
24						free trial. As	
						this information	
25						would be known by	
26						the users	
27						themselves, EchoSpan	
28						has no basis to assert its	
		1	I	34			

Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
					confidentiali ty.	
Yellow highlighted Portions of EchoSpan, Inc's Reply Brief in	251-2	EchoSpan, Inc.	Reflects the identity of EchoSpan's	Medallia, Inc.	The only information EchoSpan	
Support of Motion for Partial Summary			former client		redacts is the identity	
Judgment					of one of its former	
					customers. As Medallia has	
					previously pointed out,	
					the confidentiali ty clause in	
					EchoSpan's agreement	
					with that former	
					customer	
					communicat ions with that	
					customer, but it does	
					not apply to merely the identificatio	
					n of the former	
					customer.	
					As Medallia has	
					previously shown, the information	
					is already public. At	
					least one employee of	
					the former customer already	
					posted publicly on	
			35		her LinkedIn	

1 2	Document at Issue	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
3						profile about how	
4						in June	
						2010 - March 2011	
5						she "[o]n- boarded a	
6						new vendor,	
7						EchoSpan, to replace	
8						the Kenexa	
9						feedback	
						survey tool,"	
10						"[i]ntegrate d bank	
11						technology	
12						requirement s within the	
13						EchoSpan	
						solution (i.e. Simplified	
14						Sign On (SSO),	
15						associate	
16						data integration,	
17						email notification)	
18						," and	
						"[c]ustomiz ed and	
19						implemente d EchoSpan	
20						solution to	
21						support: 2011	
22						Enterprise 360 survey	
23						process	
						(Leaders and	
24						Managers), 2011	
25						GBAM	
26						Performanc e Survey	
27						process, On- boarding	
28						Assessment	
20				36		s process	

1 2	Document at Issu	Dock et No.	Moving Party	Moving Party's Support	Opposin g Party	Opposition	Order
3						(New Band	
4						3), Competency and Skill	
5						Assessment s (B4)	
6						process." https://www	
7						.linkedin.co m/in/lynn-	
8						barron- 060b8722/d	
9						etails/projec ts/.	
10						EchoSpan has also	
11						already publicly	
12						named its former	
13						customer in multiple	
14						filings in this case.	
15						See Dkt. 11 ¶ 5; Dkt. 24	
16						¶ 4.	
17	Medallia, i:23; 8: Inc.'s (except		EchoSpan, Inc.	Reflects the identity of	Medallia, Inc.	As discussed	
18	Reply in Support custom			EchoSpan's former client		above, the identity of	
19	of its s name Motion 15:10,);				the client is	
20	for 15-17; Summary 4:14-15					confidential.	
21	Judgment 5:23; 6 Page: 12; 8:2	:9-					
22	Ex. A to Medallia,	255-2	EchoSpan,	Contains a	Medallia,	This feature	
23	Inc.'s Reply in Support of its Motion		Inc.	description of	Inc.	is publicly disclosed	
24	for Summary Judgment	V.11		functioning of		and nothing about the	
25	Jaugment			EchoSpan's		description	
26				trade secrets.		is confidential.	
27	Medallia, Pages:	255-3	EchoSpan,	Contains or reveals the	Medallia,	As Medallia	
28	Inc.'s 1:13, 1 Reply in 15, 17;		Inc.	identity of 37	Inc.	has repeatedly	

Order

III. GROUNDS FOR SEALING

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A. EchoSpan, Inc.

Pursuant to Local Civil Rule 79-5(c)(1), EchoSpan moves to seal portions of confidential Documents that contain details regarding: the identity of EchoSpan's confidential customers and commercially sensitive information about EchoSpan and its customer relationships. *See Dugan v. Lloyds TSB Bank, PLC*, No. 12-CV-02549-WHA (NJV), 2013 WL 1435223, at *2 (N.D. Cal. Apr. 9, 2013) ("There may be 'good cause' to seal records that are privileged, contain trade secrets, contain confidential research, development or commercial information, or if disclosure of the information might harm a litigant's competitive standing."); *see also Verinata Health, Inc. v. Sequenom, Inc.*, No. C 12-00865 SI, 2014 WL 12789020, at *1 (N.D. Cal. Aug. 8, 2014) (granting motion to seal "non-public, confidential, and proprietary information" where disclosure posed a substantial risk of negative impact on party's relationships and competitive interests); *Transperfect Glob., Inc. v. Motionpoint Corp.*, No. C 10-2590 CW, 2013 WL 209678, at *1 (N.D. Cal. Jan. 17, 2013) (granting motion to seal documents that contained proprietary information about party's business operations and technology).

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Unredacted copies of the confidential documents have previously been filed.

B. Medallia, Inc.

The documents or portions of documents that Medallia seeks to seal consist of communications and transaction information (or descriptions of communications) between Medallia and an important customer that are subject to a confidentiality agreement and certain confidential internal business or financial information, development discussions, or strategy. While Medallia does not believe the identity of the customer itself is confidential, the communications and transactional info are subject to a confidentiality provision in an agreement between Medallia and that customer. The information also includes confidential information about different customers and partners of Medallia. Finally, the information highlighted in blue and all of Exhibit B have been designated by the deponent entity to be confidential and, as that entity is Medallia's customer, Medallia seeks to honor that designation. Disclosure of such communications could upset the customer and harm Medallia's existing customer relationships. "One factor that weighs in favor of sealing documents is when the release of the documents will cause competitive harm to a business." Apple Inc. v. Samsung Electronics Co., 727 F.3d 1214, 1221 (Fed. Cir. 2013); see also Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 598 (1978) (explaining that courts have refused "to permit their files to serve . . . as sources of business information that might harm a litigant's competitive standing"); Verinata Health, Inc. v. Sequenom, Inc., No. C 12-00865 SI, 2014 WL 12789020, at *1 (N.D. Cal. Aug. 8, 2014) (granting motion to seal information that poses a substantial risk of negatively impacting relationships and competitive interests).

IT IS SO ORDERED.

DATED:	
	Hon. Nathanael Cousins
	United States Magistrate Judge